

EXHIBIT B

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS, ET AL.,

Plaintiffs,

v.

MARCO RUBIO, ET AL.,

Defendants.

Case No. 1:25-cv-10685 (WGY)

DECLARATION OF NOAM BIALE

I, Noam Biale, an attorney admitted *pro hac vice* in this matter, hereby declare pursuant to 28 U.S.C. § 1746 as follows:

1. I am a partner at the law firm Sher Tremonte LLP and counsel to Plaintiffs in this matter.

2. I respectfully submit this declaration in support of Plaintiffs' Motion for Protective Order Barring Retaliation and Restricting Defendants' Use of Information Disclosed in the Course of Litigation ("Non-Retaliation Order").

3. On May 21, 2025, we sent Defendants a copy of the proposed Non-Retaliation Order. On several meet-and-confer calls held pursuant to Local Rule 7.1(a)(2) and Federal Rule of Civil Procedure 37(a)(1), over the course of the next several weeks, we asked Defendants when they would have a response to the proposed Non-Retaliation Order and indicated that Plaintiffs would consider any changes Defendants wished to propose to the Order. Defendants advised they were reviewing it with their clients and would get back to us.

4. On June 3, 2025, we held a meet-and-confer call with Defendants in which we again raised the proposed Non-Retaliation Order. On that call, Defendants' counsel advised that they could not agree to the proposed Non-Retaliation Order because their client agencies did not want to be bound by an agreement preventing them from taking action against individuals whose identities they did not know yet.

5. I clarified that the proposed Non-Retaliation Order was structured principally as an agreement not to take adverse actions against Plaintiffs' witnesses *because* they were witnesses in this federal case, which we had not imagined would be difficult for the government to agree to. Defendants' counsel reiterated that the agencies were "not comfortable" with such a proposal and advised us to "go ahead and ask the judge to rule on it."

6. Accordingly, we file the instant motion for the Court to so-order the proposed Non-Retaliation Order.

7. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

June 4, 2025
New York, New York

/s/ Noam Biale
Noam Biale

Counsel for Plaintiffs